

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Petitioner does not base his motion on any particular aspect of the rules of civil procedure, neither does he cite any statute or legal theory to suggest his right to reconsideration. However, because the motion was made more than ten days after the entry of judgment, Fed. R. Civ. P. 59 cannot apply. Thus, this motion shall be construed to rely on Fed. R. Civ. P. 60. Pursuant to Federal Rules of Civil Procedure 60, a party may obtain relief from judgment or an order for clerical mistakes or due to mistake, inadvertence, excusable neglect, or newly discovered evidence.

The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was dismissed by this court because it lacked jurisdiction. Petitioner now asserts that he has no other remedy for the severe and “nakked” violations of his due process and equal protection rights. Respondents oppose the motion (docket #79) highlight petitioner’s concession that he has not been convicted of state

1 charges, noting that his criminal trial has been continued several times awaiting the outcome of these
2 proceedings.

3 28 U.S.C. § 2254 provides for a means of federal review of a state court conviction.
4 Hairston has not been so convicted and this court cannot entertain his. *Stow v. Murashige*, 389 F.3d
5 880-885 (9th Cir. 2004).

6 Petitioner also has requested that the Clerk of Court provide him with copies of various
7 exhibits submitted by respondents in support of the motion to dismiss (docket #78). These documents
8 should have been provided to petitioner by respondents with his copy of their motion to dismiss.
9 Alternatively, petitioner, who has not been granted leave to proceed *in forma pauperis* may pay the
10 required fee to obtain copies from the court's docket. The Clerk shall be directed to inform petitioner
11 of the cost of those copies.

12 IT IS THEREFORE **ORDERED** that petitioner's Motion for Reconsideration (docket
13 #77) is **denied**.

14 IT IS FURTHER **ORDERED** that the motion for copies of exhibits (docket #78) is
15 **DENIED**. The clerk shall inform petitioner of the cost to obtain copies of the exhibits he requests.

17 Dated this 24th day of August, 2010.

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19 CHIEF UNITED STATES DISTRICT JUDGE
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